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CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: tb SCANNED BY: TB 5/10/21

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Jamerson B. Baltimore 00104150 (county)

Kent County Correctional 255387

703 Ball Lane, N.E. Grand Rapids, MI 49502

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v. Stacy L Van DYKem

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$402.00 filing fee regardless of whether your complaint is dismissed.

A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes No

B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes No
a. If your answer was no, state precisely how the action was resolved: _____

3. Did you appeal the decision? Yes No
4. Is the appeal still pending? Yes No
a. If not pending, what was the decision on appeal? _____

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes No
If so, explain: _____

II. Place of Present Confinement Kent County Correctional Facility

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Jameson B. Ballhema

Address 703 Ball Ave. N.E. Grand Rapids, MI, 49503

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Stacy L. Van Dyken

Position or Title Attorney AT law (62697)

Place of Employment _____

Address 101 Ottawa Ave NW STE 404 49503-2712

Official and/or personal capacity? _____

Name of Defendant #2 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #3 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #4 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

Name of Defendant #5 _____

Position or Title _____

Place of Employment _____

Address _____

Official and/or personal capacity? _____

IV. Statement of Claim

State here the facts of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

on 10/06/2020 I was arrested for a crime I didn't commit. With me being in the poverty level I qualified for a court appointed attorney. Her name is Stacy L. Van Dyken. She came to see me personally twice. The first time was soon after she was appointed to me, on a Sunday 10-13-2020. When she came to see me she said I should cooperate with the Detectives and it would be good for our case. That I didn't understand but I agreed. She said I shouldn't worry about it she would handle everything. I explained I was trying to get back to my family and my job. And I asked her IF she could put together a Bond reduction motion for A PR Bond. She said it wouldn't be a problem. I Explained my family relies on me for financial support and getting out would be a blessing. Then I could go back to my family and my job in the factory. She said my guide lines were between 1-2 years at the most is what she figured. She reassured me she would work hard on my case & I was in good hands. I tried to contact her several times after that first meeting because my Bond stayed the same. I would speak to her secretary a few times which cost me money. She would say she was never in the office. On 12-10-2020 I received a motion from her stating the prosecution they were adding on the Amended Information which would be my fifth Felony Supplements. She sent me this information a couple of weeks after they gave her the information. I proceeded to try and contact her over the phone but got no answer. Finally she came to see me on 12-16-2020 about the amended information. She

She then proceeded to tell me The amended information was not a big deal and they won't keep them on my case, it was only if we take it to trial. I explained to her that they have exceeded the 21 day time limit. She Said time doesn't matter. Which it does! They have 21 days from your arraignment to put any amended information on your case. That's in The Michigan Court Rules Book. Then I asked her about my Bond Motion she was supposed to write for me to get out and be back w/ my family and my job. She tells me in a mean way that she will only do a motion if "for sure" some one was going to post it for me. I said my wife was going to put up the house if we had to, But we could use a PR Bond. I told her I saw a motion from The Governor stating if you have health issues and a non-violent crime and was older there was a good chance you could have a PR Bond or at the least a Bond Motion to reduce the Bond. I have a bad valve and I was being tested for cancer. She said she didn't know anything about it. But she would see. This was about the time I realized she was not on my side and she didn't care about my case. I then asked were my police reports was. She said she didn't have it yet. But I received them from my new attorney and it has a Date stamp of 11-9-2020. She had received them shortly after that. She left and I didn't here back from her for a long time after that. Since I was not going to have a bond reduction and come home my wife decided she had to move on. She and the kids needed me there, and she moved in with her Dad cause she could not afford the house payments. My job said they had to

let me go and couldn't hold my position any longer. But if I get out look them up and they will see what they can do to put me back into the plant (golden doors) so I lost my job and my family just before the holidays which sent me into a deep depression. I couldn't eat or sleep. The counselor here would see me at least once a week, my thoughts of suicide grew. They put me on meds that would help me sleep and for depression and anxiety. I noticed some side effects from the anti-depression meds. I keep calling Ms Van Dyken's office. But her secretary keep telling me she wasn't in, when she would take the calls. Eventually they wouldn't take my calls at all. Finally on 2-15-2021 I saw Ms Van Dyken over video conferencing. She was very cold and mean to me and my problems when I explained them again to her. She said she didn't believe I was sick, or there was anything wrong with me. Oh! I asked her why she waived my preliminary hearings when I asked her not to do that. She said that was awhile ago and I'm guilty by what she sees any way. why waste her time? I was appalled by what she said. Then I reiterated my health problems and she smugly said "you're not going to die in prison" my situation with her went from bad to horrible! I have never seen such careless acts on a person of profession in my life. She didn't care. She didn't show up for two of my court dates.

I should OF known. I went back to my cell and cried. My life was truly upside down. And my Attorney or SC called Attorney was one OF the main reasons why. I spoke to my Sister several times about her. She Googled MS Van Dyken and There were several negative comments on how she was Lazy. We had my first status conference on 3-29-21. She didn't show up, she sent some other person who didn't know my case and cared as little as she did. I thought with him I might have some hope. But it wasn't good. He didn't do any. They keep the supp on me and wanted to give me 2 1/2 - 9 years with a 10 year max. I said no way. He went back and came back 2 1/2 - 6 years But still a 4th Felonie sup. They didn't try. I still didn't have my police report and They still didn't have a Bond Reduction. Now They are saying take the deal. The judge said if I don't take the deal and take it trial and loose I'll spend a lot of time in prison. I told the judge I couldn't take the deal. She said give it some thought over a month. I said ok I want to fire this guy cuz I could do better. So they postponed the plea deal. During this time I did a lot of research thru court books and called some people. I still had heard nothing from MS Van Dyken. Finally She saw me on Video a couple of weeks after that horrible day. She was just as cold as before. I apologized to her to try and get the good out of her case I offend her in some way. She said the same crule things as before when I tried to defend my case against her. I asked her "why does it feel like in going against the prosecutor

when I speak to you". She said nothing. I asked where is my police report? She said she didn't have it. I knew she wasn't telling the truth. I stated to her she wasn't doing any thing for my case and she cost me more of my freedom. She scoffed and said oh well. I then told her "I was firing her." She said "If that's what you want". I went back and asked the judge to fire my lawyer. She stated that she was busy but I explained that was not the problem. I was told to put it into a motion by the judges clerk. So I did that. I not only put it in a motion I also filed a grievance threw the Grievance Committee in Detroit. I sent all this in a week 3-26-2021. I went back in front of the judge on 3-29-01, when Ms VAN DYKEN came into the room I was shocked. I asked why is she here and she in a negative tone said "The Judge said you couldn't fire me". I then explained to her that I put a motion in to the Judge and I filed a grievance with the Grievance Committee. She got very mad and slammed the phone down and stormed out of the room. Then I went in front of the judge. Ms VAN DYKEN was there glaring at me. The Judge talked to the prosecutor about the plea and then asked Ms VAN DYKEN what we were going to do. She then told the Judge I filed a motion w/ the grievance committee and she had to take her self off my case. The Judge said ok. And agreed to the court's getting me a new attorney. Then the Judge said I had to take the deal today even though I don't have Ms VAN DYKEN as an attorney. I said I couldn't take the plea cuz I was miss

represented the hole time. And Then The Judge said take it to trial.

IF I was truly represented BY MS VAN DYKEn I would NOT still be here in jail. She violated my Constitutional Rights as an Attorney and Did not represent me to The best of her abilities. There is a saying in Criminal law, "You are innocent till proven guilty". IN MS VAN DYKEns case it was guilty till proven innocent, which is clearly a violation of my rights. I have been very depressed and I have had a breakout on my skin due to stress. My world is upside down.

I Thank You for your time and concern.

Sincerely Jameson B Balkema

Jameson Balkema

V. Relief

State briefly and precisely what you want the court to do for you.

I am asking for punitive damages, due to Neglect from STACY VAN DYKEM, that has caused loss of family, job, depression, anxiety, stress, health problems. I

I am asking for financial compensation from MS VAN DYKEM in the cost of 85,000.00\$. This is a fair compensation. I would like to do prob. 200k. Share from loss of family.

5-10-2021

Date



Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

NAME: Jameson B Balkema
KENT COUNTY CORRECTIONAL FACILITY
703 BALL AVENUE N.E.
GRAND RAPIDS, MI 49503



U.S. District Court
399 Federal Building
110 Michigan ST. NW
Grand Rapids, MI
49503